

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WINNIFRIED NOEL CHARLES, :
 : ECF CASE
Plaintiff, :
 : No. 07 Civ. 8324 (JSR) (THK)
 :
-against- :
 :
MICHAEL CHERTOFF, Secretary of the :
Department of Homeland Security, in his official :
capacity, ENRICA TROY, MARY ANN :
GANTNER, and the DEPARTMENT OF :
HOMELAND SECURITY, :
 :
Defendants. :
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DECLARATION OF JILL A. EGGLESTON

JILL A. EGGLESTON, pursuant to 28 U.S.C. § 1746, declares the following under penalty of perjury:

1. I am the Assistant Center Director in the Freedom of Information and Privacy Act Unit, National Records Center ("NRC"), United States Citizenship and Immigration Services ("USCIS"), within the Department of Homeland Security ("DHS"), in Lee's Summit, Missouri. I have held the position of Director since February 4, 2008. I am also an attorney licensed to practice law by the State of Kansas. I was admitted to the bar in 1983. Prior to joining DHS in February of this year, I served as Associate General Counsel for the Defense Finance and Accounting Service, a position I held for over 19 years. As part of my duties with the Department of Defense I provided legal advice to the agency on a number of issues, including the release of information sought under the FOIA and Privacy Act (collectively, "FOIA/PA"). I submit this declaration in support of defendants' motion to dismiss and for summary judgment.

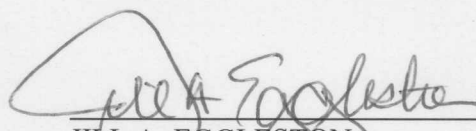
2. As FOIA Officer for the NRC, I supervise over 100 information access professionals who are responsible for the orderly processing of all public, congressional, judicial, and inter-/intra-agency requests or demands for access to USCIS records and information pursuant to the FOIA, Privacy Act, Executive Orders, departmental directives, regulations and compulsory legal process.

3. Through the exercise of my official duties, I am generally familiar with plaintiff's civil action. I make the following statements based upon my personal knowledge and upon information made available to me in my official capacity.

4. The USCIS website, which can be found at <http://www.uscis.gov>, instructs individuals on how to submit FOIA/PA requests for records maintained by the USCIS. Specifically, it states that FOIA/PA requests for human resources information should be sent to Customs and Border Protection, Burlington Human Resources Office, 70 Kimball Avenue, South Burlington, Vermont 05403-6813, which is the same address that was in effect during 2005.

5. The NRC maintains a computerized database, the FOIA/PA Information Processing System ("FIPS"), which tracks all FOIA/PA requests that are received by USCIS, including by the Burlington Human Resources Office in Vermont. The NRC has made an exhaustive search of FIPS, and there is no record of USCIS having ever received a FOIA/PA request dated 2005 by Winnifried Noel Charles concerning Job Announcement FS330054.

Dated: June 4, 2008
Lee's Summit, Missouri



JILL A. EGGLESTON
Assistant Center Director
Freedom of Information Act & Privacy Act Unit
USCIS National Records Center